

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

30TH LEGISLATIVE DAY

TUESDAY, APRIL 24, 2001

12:00 O'CLOCK NOON

No. 30
[Apr. 24, 2001]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Reverend Homer Hanshaw, Elliot Avenue Baptist Church,
 Springfield, Illinois.
 Senator Burzynski led the Senate in the Pledge of Allegiance.

The Journal of Thursday, April 19, 2001, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A report on the Plan to Reduce the Need for Daycare of Employees' Children Outside of the Home submitted by the Department of Human Rights in compliance with Public Act 87-552.

A report on the FY 2002 Legislative Capital Plan Analysis, March 2001, submitted by the Illinois Economic and Fiscal Commission.

The Report on the Liabilities of the State Employees' Group Insurance Program, Fiscal year 2002, submitted by the Illinois Economic and Fiscal Commission.

The interim 2000 Annual Report submitted by the Illinois Motor Vehicle Theft Prevention Council pursuant to Public Acts 86-1408, 89-277 and 91-85.

The Annual Report, Flex Time, 2000, submitted by the Department of Central Management Services in accordance with Illinois Revised Statutes, Chapter 127, paragraph 63b109(13).

The foregoing reports were ordered received and placed on file in the Secretary's Office.

EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

REPORTS FROM STANDING COMMITTEES

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred House Bills numbered 153, 181, 800, 1901, 2554, 2556 and 3004 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred House Bill No. 2994 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health

[Apr. 24, 2001]

and Welfare to which was referred House Bills numbered 25, 2438, 3125, 3172 and 3199 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

MESSAGE FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE - SECRETARY OF STATE

April 20, 2001

Honorable Members
Illinois State Senate
Ninety-Second General Assembly

Mr. Monroe Flinn's appointment to the Merit Commission for the Office of Secretary of State expires on June 30, 2001. I would like to re-nominate Monroe Flinn to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE MERIT COMMISSION FOR THE OFFICE OF
THE SECRETARY OF STATE

To be a Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending June 30, 2007.

Monroe Flinn
Salaried

If you have any questions please contact Dale Swinford, Director of Legislative Affairs. Thank you for your consideration.

Sincerely,
s/Jesse White
Secretary of State

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 113

Offered by Senator Lauzen and all Senators:
Mourns the death of Richard A. Haussmann of Montgomery.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Rauschenberger offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 26

WHEREAS, On October 12, 2000, the State Board of Education adopted an amendment by peremptory rulemaking for rules titled

[Apr. 24, 2001]

"Certification" (23 Ill. Adm. Code 25; 24 Ill. Reg. 16109); and

WHEREAS; The peremptory amendment adopted by the State Board of Education repeals a rule limiting special education teachers with certificates endorsed for specific disabilities to teaching only students with those disabilities; and

WHEREAS, This rulemaking is in response to a court order issued on September 12, 2000 in Corey H., et al., v. Board of Education of City of Chicago, et al., No. 92 C 3409 (9/12/00, U.S. District Court for the Northern District of Illinois, Eastern Division); among the dispositions by the court-appointed monitor was a requirement that the State Board of Education repeal, via peremptory rulemaking, categorical certification language from 23 Ill. Adm. Code 25, Appendix C; and

WHEREAS, The Joint Committee on Administrative Rules, during its review of the peremptory rulemaking as directed by the Illinois Administrative Procedure Act, determined that the continued enforcement of this rulemaking would constitute a serious threat to the public interest, safety, and welfare and particularly the welfare of this State's special education students; implementation of this rulemaking may result in unqualified teachers being assigned to students for whom the teacher has no training or preparation; and

WHEREAS, Based on this determination, the Joint Committee on Administrative Rules suspended this rulemaking; and

WHEREAS, Because Section 5-125 of the Illinois Administrative Procedure Act states that a suspension of an agency's peremptory rulemaking is effective for a period of at least 180 days, the suspension issued by the Joint Committee on Administrative Rules, which commenced on February 21, 2001, will terminate on August 19, 2001, unless continued by the adoption of this joint resolution by both houses of the General Assembly as provided in subsection (c) of Section 5-125 of the Illinois Administrative Procedure Act; and

WHEREAS, On October 27, 2000, the State Board of Education adopted new rules through a second peremptory rulemaking titled "Standards for Certification in Special Education" (23 Ill. Adm. Code 28; 24 Ill. Reg. 16738); and

WHEREAS, The peremptory rules adopted by the State Board of Education create 2 categories of special education teachers, Learning Behavior Specialist (LBS) I and II, and create a common core of standards for all special education teachers and specific content-area standards for LBS I (deaf or hard-of-hearing, blind or visually impaired, or a combination of both) and LBS II (speech-language pathologists, early childhood special education teachers, and learning behavior specialists); LBS II persons can be further categorized as specialists, i.e., as a transition specialist, technology specialist, bilingual special education specialist, blind specialist, behavior intervention specialist, curriculum adaptation specialist, or multiple disabilities specialist; and

WHEREAS, The standards will affect both special education teachers and the academic programs that prepare them; beginning on July 31, 2002, special education teacher preparation programs will be not approved by the State Board of Education if they do not include these new common core standards; beginning on January 1, 2003, any examination required for special education certification must assess the candidate's competence in relation to these standards; for each category of special education (deaf, early childhood, etc.), a teacher must understand the foundations of special education, characteristics of the relevant category of students, assessment procedures, instructional planning and delivery, learning environments, collaborative relationships, professional conduct and leadership, and reflection and professional growth; and

[Apr. 24, 2001]

WHEREAS, This second peremptory rulemaking is in response to the court order in which the State Board of Education was directed to adopt the peremptory rules for special education teacher certification standards; and

WHEREAS, The Joint Committee on Administrative Rules, during its review of the second peremptory rulemaking as directed by the Illinois Administrative Procedure Act, determined that the continued enforcement of this rulemaking would constitute a serious threat to the public interest and welfare and that the reasons for the suspension are as follows:

(1) educational professionals have argued that the teacher training scenario outlined in this rulemaking will result in teachers who are not as qualified to teach children with special needs as are teachers trained under the previous standards;

(2) the rules place an unreasonable economic burden on special education teachers who will be required to undergo additional training for the new certification, on school districts that will need to hire special education teachers with appropriate credentials and to supply supplemental services to assist the children with disabilities in regular classroom instruction, on higher education facilities that will need to revamp their teacher preparation programs to implement these new special education common core standards, and on the State Board of Education, which is charged with implementing the new certification program standards; and

(3) the economic hardship being created by this rulemaking could result in the availability of fewer qualified teachers to serve special education students; and

WHEREAS, Based on this determination, the Joint Committee on Administrative Rules suspended the second peremptory rulemaking; and

WHEREAS, Because Section 5-125 of the Illinois Administrative Procedure Act states that a suspension of an agency's peremptory rulemaking is effective for a period of at least 180 days, the suspension issued by the Joint Committee on Administrative Rules, which commenced on January 9, 2001, will terminate on July 7, 2001, unless continued by the adoption of this joint resolution by both houses of the General Assembly as provided in subsection (c) of Section 5-125 of the Illinois Administrative Procedure Act; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly hereby continues the 2 suspensions issued by the Joint Committee on Administrative Rules on January 9, 2001 and February 21, 2001, respectively, of the State Board of Education's 2 peremptory rulemakings titled "Standards for Certification in Special Education" (23 Ill. Adm. Code 28; 24 Ill. Reg. 16738) and "Certification" (23 Ill. Adm. Code 25; 24 Ill. Reg. 16109); and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Executive Director of the Joint Committee on Administrative Rules and to the State Superintendent of Education.

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 846

[Apr. 24, 2001]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
 Mr. Rossi, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 74
 A bill for AN ACT in relation to vehicles.
 SENATE BILL NO 273
 A bill for AN ACT concerning vehicles.
 SENATE BILL NO 377
 A bill for AN ACT with respect to schools.
 SENATE BILL NO 463
 A bill for AN ACT concerning insurance.
 SENATE BILL NO 542
 A bill for AN ACT concerning employment.
 SENATE BILL NO 668
 A bill for AN ACT relating to schools.
 SENATE BILL NO 819
 A bill for AN ACT in relation to vehicles.
 SENATE BILL NO 865
 A bill for AN ACT concerning insurance.
 SENATE BILL NO 870
 A bill for AN ACT concerning insurer security deposits.
 SENATE BILL NO 941
 A bill for AN ACT concerning insurance.

Passed the House, April 19, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by
 Mr. Rossi, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 25

Concurred in by the House, April 19, 2001.

ANTHONY D. ROSSI, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME

House Bill No. 175, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 185, sponsored by Senator Luechtefeld was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 539, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1081, sponsored by Senator Karpel was taken up, read by title a first time and referred to the Committee on Rules.

[Apr. 24, 2001]

House Bill No. 1094, sponsored by Senators Myers - Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1732, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1904, sponsored by Senator Molaro was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2025, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2376, sponsored by Senator Mahar was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2523, sponsored by Senator L. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3078, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3123, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3288, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3292, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3347, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3373, sponsored by Senator Mahar was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Rauschenberger, Senate Bill No. 1354 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1357 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1358 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1359 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1360 having

[Apr. 24, 2001]

been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1361 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1368 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1369 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1370 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1371 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1372 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1373 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1379 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1380 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1381 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1382 having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:30 o'clock p.m., Senator Geo-Karis presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Rauschenberger, House Bill No. 260 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

[Apr. 24, 2001]

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[Apr. 24, 2001]

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Munoz, House Bill No. 857 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.

[Apr. 24, 2001]

Walsh, T.
Watson
Weaver
Welch
Woollard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, House Bill No. 2143 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Munoz
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam

[Apr. 24, 2001]

Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Munoz, House Bill No. 2314 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz

[Apr. 24, 2001]

Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Sullivan
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

EXCUSED FROM ATTENDANCE

On motion of Senator Bomke, Senator Myers was excused from attendance due to illness.

On motion of Senator Demuzio, Senator Lightford was excused from attendance due to illness.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 114

Offered by Senators Hawkinson - Shadid and all Senators:
 Mourns the death of Arthur Szold of Peoria.

SENATE RESOLUTION NO. 115

Offered by Senator Lauzen and all Senators:
 Mourns the death of Donald W. Clark of Batavia.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

MOTION IN WRITING

Senator Halvorson submitted the following Motion in Writing:

[Apr. 24, 2001]

Pursuant to Senate Rule 7-9(a), I move to discharge the Senate Rules Committee from further consideration of House Bill 2236 and have House Bill 2236 assigned to Senate's standing committee on Public Health and Welfare for public hearing.

DATE: April 24, 2001

s/Debbie Halvorson	s/William L. O'Daniel
s/Emil Jones, Jr.	s/William Shaw
s/Antonio Munoz	s/Margaret Smith
s/James F. Clayborne, Jr.	s/Larry D. Woolard
s/George P. Shadid	s/Ira I. Silverstein
s/Lou Viverito	s/Kimberly A. Lightford
s/Rickey Hendon	s/Pat Welch
s/Miguel del Valle	s/Vince Demuzio
s/Carol Ronen	s/Donne Trotter
s/Evelyn Bowles	s/Robert A. Molaro
s/Lawrence Walsh	s/Denny Jacobs
s/Lisa Madigan	s/John J. Cullerton
s/Barack Obama	s/James A. DeLeo
s/Terry Link	

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

At the hour of 12:45 o'clock p.m., on motion of Senator Klemm, the Senate stood adjourned until Wednesday, April 25, 2001 at 12:00 o'clock noon.

[Apr. 24, 2001]